IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CIVIL REVISION NO. 5731 OF 2001

DATE OF DECISION: December 14, 2006.

Parties Name

United India Insurance Co. Ltd.

...PETITIONER

VERSUS

Darshan Kumar and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH

PRESENT: Mr. Amit Rawal,
Advocate, for the petitioner.

None for the respondents.

JASBIR SINGH, J. (oral)

ORDER:

This revision petition has been filed by the Insurance Company against the award, passed by the Motor Accidents Claims Tribunal, on May 3, 2001, vide which compensation amount of Rs. 6,88,940/- was awarded in favour of the respondents, on account of loss caused, due to the death of Jaspal Singh, husband of respondent No. 1, father of respondents No. 2 to 4 and son of respondent No. 5. This revision petition has been filed by stating that the amount granted is on the higher side.

Counsel for the petitioner, by placing reliance upon judgment of this Court in Chander Kanta v. Haryana State, 2001(2) R.C.R. (Civil) 32, argued that the deceased was in Government service, his age was 53 years, as such multiplier of only five was required to be applied, whereas in the present case, multiplier of 10, has wrongly been applied. By referring to

above mentioned facts, prayer has been made that the order under challenge be set aside and revision petition be allowed.

This Court is of the view that the argument raised is liable to be rejected. It is not in dispute that said Shri Jaspal Singh died in a motor accident on September 14, 1998. He was 53 years of age and was working as Senior Clerk in NCC Group Headquarters at Jalandhar. It has come on record that he was in receipt of gross salary of Rs. 8492/- at the time of his death. It has also come on record that both his widowed mother and wife were dependent upon him. Today, in Court, respondents have brought on record a medical certificate, to show that son, namely, Bhupinder Singh is handicapped and was solely dependent upon the deceased. Other legal heirs were married and were not dependent upon the deceased. It has also come on record that Jaspal Singh was keeping good health. There were chances of promotion in the department and also that after his retirement, he was capable of doing his duties and earning something for the family especially for his old widowed mother of 75 years of age and crippled son, namely, Bhupinder Singh. He has been snatched away from the family when his presence was most needed. Under these circumstances, this Court feels that the compensation awarded is perfectly justified. Keeping in view chances of promotion while in service and also good health of the deceased and his chances to continue to do some work even after his retirement, this Court feels that the Tribunal has rightly awarded the compensation amount. Otherwise also, as per 2nd Schedule annexed with Motor Vehicles Act, 1988, multiplier of eleven can be applied, on death of an individual between the age of 50 to 55 years. This Schedule can be taken as a guideline for

determining the compensation, in cases under Section 166 of the Motor Vehicles Act.

In view of facts, mentioned above, ratio of the judgment in Chander Kanta's case (supra) is not applicable to the facts of the present case. Compensation awarded is perfectly justified.

Dismissed.

December 14, 2006 (Jasbir Singh)
DKC Judge